

104TH CONGRESS  
1ST SESSION

# S. 1436

To amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

NOVEMBER 29, 1995

Mr. LAUTENBERG introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend the Federal Water Pollution Control Act to allow certain privately owned public treatment works to be treated as publicly owned treatment works, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Municipal Wastewater  
5 Treatment Facility Private Investment Act of 1995”.

6 **SEC. 2. FINDINGS.**

7 Congress finds that—

1           (1) municipal wastewater treatment construc-  
2           tion needs exceed \$100,000,000,000;

3           (2) Federal assistance for State revolving loan  
4           programs will provide funding for only a portion of  
5           the municipal wastewater treatment facilities;

6           (3) increasing the amount of funds invested by  
7           the private sector in municipal wastewater treatment  
8           facilities would—

9                   (A) help address the funding shortfall re-  
10                  ferred to in paragraph (2);

11                   (B) stimulate economic growth;

12                   (C) lead to an increase in the construction  
13                  of wastewater treatment facilities and jobs;

14                   (D) result in a cleaner environment; and

15                   (E) provide a greater degree of fiscal flexi-  
16                  bility for local governments in meeting Federal  
17                  mandates; and

18           (4) the most effective way to encourage an in-  
19           crease in the level of involvement of the private sec-  
20           tor in the provision of municipal wastewater services  
21           is to provide for the uniform regulation of municipal  
22           wastewater treatment plants without regard to  
23           whether the wastewater treatment plants are pub-  
24           licly or privately owned or under the control of a  
25           public and private partnership.

1 **SEC. 3. PUBLICLY OWNED TREATMENT WORKS DEFINED.**

2 Section 502 of the Federal Water Pollution Control  
3 Act (33 U.S.C. 1362) is amended by adding at the end  
4 the following new paragraphs:

5 “(21) As used in titles I, III, and IV, and this title,  
6 the term ‘publicly owned treatment works’ means a device  
7 or system used in the collection, storage, treatment, recy-  
8 cling, or reclamation of municipal wastewater (or a mix-  
9 ture of municipal wastewater and industrial wastes of a  
10 liquid nature) with respect to which all or part of the de-  
11 vice or system—

12 “(A) was constructed and is owned or operated  
13 by a State or municipality;

14 “(B) was constructed, owned, or operated by a  
15 State or municipality and the ownership has been  
16 transferred (in whole or in part) to a private entity  
17 that is a regulated utility or that has in effect a con-  
18 tract with a State or municipality to receive municip-  
19 al wastewater (or a mixture of municipal  
20 wastewater and industrial wastes of a liquid nature)  
21 from sewers, pipes, or other conveyances, if the facil-  
22 ity is used in a manner prescribed in the matter pre-  
23 ceding subparagraph (A) by the private entity; or

24 “(C) is owned or operated by a private entity  
25 that is a regulated utility or that has in effect a con-  
26 tract with a State or municipality to receive municipi-

1       pal wastewater (or a mixture of municipal  
2       wastewater and industrial wastes of a liquid nature)  
3       from sewers, pipes, or other conveyances within a  
4       service area that would otherwise be served by the  
5       State or municipality, if the facility is used in a  
6       manner prescribed in the matter preceding subpara-  
7       graph (A).

8       “(22) The term ‘regulated utility’ means a person,  
9       firm, or corporation with respect to which—

10           “(A) a State water pollution control agency  
11       grants a license to own or operate (or both) a  
12       wastewater treatment facility; and

13           “(B) a State regulates the fees or other charges  
14       of the utility.”.

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